

REMARKS

Claims 1-7 are pending in the application.

The specification is amended above to identify where the “headgear” is shown in the drawings. No new matter is added to the application by this specification amendment.

The examiner’s rejections are overcome or they are traversed as set forth below.

I. THE DRAWING OBJECTION

The examiner objected to the application drawings for failing to show the claimed headgear.

The examiner’s objection has been overcome by amending the specification to clearly establish that the headgear is shown in the Figures in the form of flexible head covering 3 which includes a rigid profiled ring 4 that encircles the user’s face.

II. TRAVERSE OF THE ANTICIPATION REJECTION

The examiner rejected claims 1-2 and 4-7 for being anticipated by Quilter et al. (USP 2,861,568).

Before traversing the examiner’s anticipation rejection, the Applicant points out that the examiner’s rejection over Quilter et al. appears to be based, in part, upon reference to Figure 9 and not Figure 7. The mistake appears to have been made because the Quilter et al. figure numbers are located above the figures and not below them. The Applicant’s reply assumes the examiner was referring the Quilter et al. Figure 9 and not Figure 7.

Quilter et al. does not anticipate independent claim 1. An essential feature of claim 1 is that the second sub-assembly (face piece sub-assembly 2 in the illustrated embodiment) is *separable from* the first sub-assembly (hood sub-assembly 1 in the illustrated embodiment). Separability give the user the option to wear (i) the entire respirator assembly or (ii) only the hood portion and add the face piece portion if and when a threat is encountered which requires respiratory protection.

Claims 1-7 are novel at least because Quilter et al. does not disclose the claimed second sub-assembly that is separable from the first. The examiner refers to Quilter et al. column 2, lines 65-68 for providing this claimed feature. The cited Quilter et al. excerpt states:

the molded mask 25 and sheet-rubber cover 15 may be formed separately and joined together by vulcanization or otherwise, as the judgement of the manufacturer may dictate.

This Quilter et al. excerpt merely describes a manufacturing process in which the two parts are united to form a final product. The excerpt does not for a moment disclose a useable helmet in which the wearer can separate and reunite the two components at will. Once united the Quilter et al. mask 25 is not “separable from but selectively co-operable with” the cover 15 as the pending claims of this application require. Indeed the process of vulcanization disclosed in Quilter et al. for uniting the two parts is a process in which rubber is heated, usually with the addition of sulphur, and forms cross-links between rubber polymer chains producing an insoluble and inseparable polymeric bond. Only by destroying the helmet could these components ever be separated again. Clearly Quilter et al. does not disclose “a second sub-assembly separable from the first sub-assembly and for at least this reason, claims 1-2 and 4-7 are clearly novel.

III. TRAVERSE OF THE OBVIOUSNESS REJECTION

The examiner rejected claim 3 as being unpatentable over Quilter et al. in view of Tischner et al. (USP 6,328,031).

Claim 3 is novel and nonobvious by virtue of its dependency upon allowable claim 1.

IV. PIECemeAL EXAMINATION

The present Office Action is the fourth Office Action in which the examiner has tried to reject all of the pending application claims over the prior art. The examiner is reminded that MPEP 707.07(g) cautions against piecemeal application examination. The examiner appears to have applied the best prior art found and the Applicant has traversed each of the examiner’s rejections. The Applicant respectfully asks the examiner to cease the piecemeal examination of this application and allow all pending application claims.

CONCLUSION

Claims 1-7 are pending in the application and are believed to be patentable for at least the reasons identified above. Favorable consideration and allowance of all pending application claims is courteously solicited.

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By: A. Blair Hughes/
A. Blair Hughes
Reg. No. 32,901
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